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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,689	06/25/2003	Hirokazu Matsuura	26C-021	1370
23400	7590	11/28/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,689	MATSUURA ET AL.	
	Examiner	Art Unit	
	David Dunn	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed September 13, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Kitagawa et al. (GB 2,263,671).

Kitagawa et al. disclose a knee protecting airbag device arranged below a steering column, comprising: an airbag (26); a case (24, 28) attached to the vehicle for housing the folded airbag, wherein the case has a recessed section at a front side thereof (see Figure 2), the case being arranged directly below the steering column, the case further being arranged apart from the steering column (see Figure 2), the recessed section being arranged substantially at a lateral center of the case to indent a portion of the case near an upper and front-side corner of the case (upper side is indented, along with the lower side); and an inflator (25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warnez et al. (US 5,904,367) in view of Lang et al. (US 5,536,043).

Warnez et al. discloses a knee protection airbag device arranged in front of the knees of a seat occupant (see Figures 1 and 6), comprising: a case (18); an airbag cover includes an interior side portion (40) with a door portion (20) adapted to open upwardly (see Figure 6); an interior decoration member (10) separate from the airbag cover, wherein the airbag pushes open the door portion such that a gap formed between the interior decoration member and an upper side of the airbag cover along the front-rear direction is covered when the airbag is deployed (see Figure 6).

Warnez et al. shows the interior side portion being inclined in a front-rear direction from the front of the vehicle up toward the rear of the vehicle, but not the interior decoration member or the door portion.

Lang et al. teaches a knee airbag device with a door cover (20) and decoration member (surrounding 20; see Figure 4) being inclined in a front-rear direction from the front of the vehicle up toward the rear of the vehicle (as shown in Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Warnez et al. with the teachings of Lang et al. to place the airbag device on lower dashboard surface that is rearwardly inclined as may be required by various different vehicle dashboard configurations.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warnez et al. in view of Lang et al. as applied to claims 1 and 4 above, and further in view of Inada et al. (5,183,288).

The combination of Warnez et al. and Lang et al. is discussed above and fails to show a lower door to open downward.

Inada et al. shows that it is old and well known to provide an airbag door with upper and lower doors (see Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Warnez et al. and Lang et al. with the teachings of Inada et al. to provide two doors in order to have smaller doors that would not extend too far into the passenger compartment.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al. in view of Warnez et al.

Kitagawa et al. is discussed above and fails to show the door of the airbag covering a gap between the interior decoration member and the airbag.

Warnez et al. is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitagawa et al. with the teachings of Warnez et al. to provide an improved airbag cover to better cover the interior decoration member of the steering column and to better guide the inflation of the airbag.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection. However, in response to Applicant's argument on page 6, that Warnez fails to show "the gap" or the opened door covering that gap, it is submitted that Warnez does show a gap formed between the cover and the decoration member when the airbag is inflated (see location of pointer 88 in Figure 6). The airbag door rises and covers the gap from the airbag, i.e., the door is between the airbag and this gap at location 88.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616